

House File 828 - Enrolled

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HOUSE FILE 828

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1 3 AN ACT
1 4 RELATING TO AQUATIC REGULATIONS AND ACTIVITIES, INCLUDING
1 5 AQUATIC INVASIVE SPECIES, THE REGULATION AND REGISTRATION OF
1 6 CERTAIN VESSELS, THE OPERATION OF CERTAIN VESSELS BY MINORS,
1 7 INSPECTIONS OF CERTAIN VESSELS, THE OPERATION OF VESSELS FOR
1 8 HIRE OR COMMERCIAL VESSELS, PROVIDING FOR PENALTIES, AND
1 9 APPROPRIATING THE MONEYS COLLECTED FROM CERTAIN REGISTRATION
1 10 FEE INCREASES TO THE STATE FISH AND GAME PROTECTION FUND.
1 11
1 12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
1 13
1 14 Section 1. Section 455A.4, subsection 1, paragraph j, Code
1 15 2005, is amended by striking the paragraph.
1 16 Sec. 2. Section 456A.37, subsection 1, paragraph c, Code
1 17 2005, is amended to read as follows:
1 18 c. "Aquatic invasive species" means a species that is not
1 19 native to an ecosystem and whose introduction causes or is
1 20 likely to cause economic or environmental harm or harm to
1 21 human health including but not limited to habitat alteration
1 22 and degradation, and loss of biodiversity. For the purposes
1 23 of this section, "aquatic invasive species" are limited to
1 24 Eurasian water milfoil, purple loosestrife, and zebra mussels,
1 25 ~~except as provided in subsection 4 and those species~~
1 26 ~~identified as "aquatic invasive species" by the commission by~~
1 27 ~~rule.~~
1 28 Sec. 3. Section 456A.37, subsection 4, unnumbered
1 29 paragraph 2, Code 2005, is amended to read as follows:
1 30 c. If the commission determines that an additional species
1 31 should be defined as an "aquatic invasive species", the
1 32 species ~~may shall~~ be defined by the commission by rule as an
1 33 "aquatic invasive species" ~~subject to enactment of the~~
1 34 ~~definition by the general assembly at the next regular session~~
1 35 ~~of the general assembly. Failure of the general assembly to~~
2 1 ~~enact the definition pursuant to this paragraph constitutes a~~
2 2 ~~nullification of the definition effective upon adjournment of~~
2 3 ~~that next regular session of the general assembly.~~
2 4 Sec. 4. Section 462A.5, subsection 1, unnumbered paragraph
2 5 1, Code 2005, is amended to read as follows:
2 6 The owner of each vessel required to be numbered by this
2 7 state shall register it every ~~two three~~ years with the county
2 8 recorder of the county in which the owner resides, or, if the
2 9 owner is a nonresident, the owner shall register it in the
2 10 county in which such vessel is principally used. The
2 11 commission shall have supervisory responsibility over the
2 12 registration of all vessels and shall provide each county
2 13 recorder with registration forms and certificates and shall
2 14 allocate identification numbers to each county.
2 15 Sec. 5. Section 462A.5, subsection 1, Code 2005, is
2 16 amended by adding the following new unnumbered paragraph after
2 17 unnumbered paragraph 2:
2 18 NEW UNNUMBERED PARAGRAPH. A vessel that has an expired
2 19 registration certificate from another state may be registered
2 20 in this state upon proper application, payment of all
2 21 applicable registration and writing fees, and payment of a
2 22 penalty of five dollars.
2 23 Sec. 6. Section 462A.5, subsection 3, Code 2005, is
2 24 amended to read as follows:
2 25 3. The registration fees for vessels subject to this
2 26 chapter are as follows:
2 27 a. For vessels of any length without motor or sail, ~~five~~
2 28 twelve dollars.
2 29 b. For motorboats or sailboats less than ~~twelve sixteen~~
2 30 feet in length, eight twenty=two dollars and fifty cents.
2 31 c. For motorboats or sailboats ~~twelve sixteen~~ feet or
2 32 more, but less than fifteen twenty=six feet in length, ~~ten~~
2 33 thirty=six dollars.
2 34 ~~d. For motorboats or sailboats fifteen feet or more, but~~
2 35 ~~less than eighteen feet in length, twelve dollars.~~
3 1 ~~e. For motorboats or sailboats eighteen feet or more, but~~
3 2 ~~less than twenty-five feet in length, eighteen dollars.~~
3 3 ~~f. d. For motorboats or sailboats twenty-five twenty=six~~
3 4 ~~feet in length or more, twenty-eight but less than forty feet~~
3 5 ~~in length, seventy=five dollars.~~

3 6 e. For motorboats or sailboats forty feet in length or
3 7 more, one hundred fifty dollars.
3 8 f. For all personal watercraft, forty-five dollars.
3 9 Every registration certificate and number issued becomes
3 10 delinquent at midnight April 30 of ~~odd-numbered years~~ the last
3 11 calendar year of the registration period unless terminated or
3 12 discontinued in accordance with this chapter. After January 1
3 13 in odd-numbered years, 2007, an unregistered vessel and a
3 14 renewal of registration may be registered for the two-year
3 15 three-year registration period beginning May 1 of that year.
3 16 After January 1 in even-numbered years When unregistered
3 17 vessels are registered after May 1 of the second year of the
3 18 three-year registration period, such unregistered vessels may
3 19 be registered for the remainder of the current registration
3 20 period at fifty-sixty-six percent of the appropriate
3 21 registration fee. When unregistered vessels are registered
3 22 after May 1 of the third year of the three-year registration
3 23 period, such unregistered vessels may be registered for the
3 24 remainder of the current registration period at thirty-three
3 25 percent of the appropriate registration fee.
3 26 If a timely application for renewal is made, the applicant
3 27 shall receive the same registration number allocated to the
3 28 applicant for the previous registration period. If the
3 29 application for registration for the ~~biennium~~ three-year
3 30 registration period is not made before May 1 of ~~each odd-~~
3 31 ~~numbered the last calendar year of the registration period,~~
3 32 the applicant shall be charged a penalty of five dollars.
3 33 Sec. 7. Section 462A.5, subsection 6, Code 2005, is
3 34 amended to read as follows:
3 35 6. The owner of each vessel which has a valid marine
4 1 document issued by the bureau of customs of the United States
4 2 government or any federal agency successor thereto shall
4 3 register it every ~~two~~ three years with the county recorder in
4 4 the same manner prescribed for undocumented vessels and shall
4 5 cause the registration validation decal to be placed on the
4 6 vessel in the manner prescribed by the rules of the
4 7 commission. When the vessel bears the identification required
4 8 in the documentation, it is exempt from the placement of the
4 9 identification numbers as required on undocumented vessels.
4 10 The fee for such registration is twenty-five dollars plus a
4 11 writing fee.
4 12 Sec. 8. Section 462A.12, subsection 6, Code 2005, is
4 13 amended to read as follows:
4 14 6. An owner or operator of a vessel propelled by a motor
4 15 of more than ten horsepower shall not permit any person under
4 16 twelve years of age to operate the ~~personal watercraft vessel~~
4 17 unless accompanied in or on the same personal watercraft
4 18 vessel by a responsible person of at least eighteen years of
4 19 age who is experienced in motorboat operation. Commencing
4 20 January 1, 2003, a A person who is twelve years of age or
4 21 older but less than eighteen years of age shall not operate
4 22 any ~~personal watercraft vessel propelled by a motor of more~~
4 23 than ten horsepower unless the person has successfully
4 24 completed a department-approved watercraft safety course and
4 25 obtained a watercraft safety certificate or is accompanied in
4 26 or on the same vessel by a responsible person of at least
4 27 eighteen years of age who is experienced in motorboat
4 28 operation. A person required to have a watercraft safety
4 29 certificate shall carry and shall exhibit or make available
4 30 the certificate upon request of an officer of the department.
4 31 A violation of this subsection is a simple misdemeanor as
4 32 provided in section 462A.13. However, a person charged with
4 33 violating this subsection shall not be convicted if the person
4 34 produces in court, within a reasonable time, a department=
4 35 approved certificate. The cost of a department certificate,
5 1 or any duplicate, shall not exceed five dollars.
5 2 Sec. 9. Section 462A.20, Code 2005, is amended to read as
5 3 follows:
5 4 462A.20 BOAT INSPECTION.
5 5 Any person having, A vessel either for hire or offered for
5 6 hire upon any waters of this state under the jurisdiction of
5 7 the commission, any vessel, either for hire or offered for
5 8 hire, must have such vessel and all its appurtenances annually
5 9 may be inspected at any time by representatives of the
5 10 commission or by any peace officer who is trained in
5 11 enforcing, and who in the regular course of duty enforces,
5 12 boating and navigation laws.
5 13 Every such owner shall file in the office of the
5 14 commission, an application for inspection of such vessels on a
5 15 blank furnished by the commission for that purpose.
5 16 Officers appointed by the commission or any peace officer

5 17 who is trained in enforcing, and who in the regular course of
5 18 duty enforces, boating and navigation laws shall have the
5 19 power and authority to determine whether such vessel is safe
5 20 for the transportation of passengers or cargo and upon what
5 21 waters it may be used. They may determine and designate the
5 22 number of passengers or cargo, including crew, that may be
5 23 carried and determine whether the machinery, equipment and all
5 24 appurtenances are such as to make ~~said vessels~~ the vessel
5 25 seaworthy, where used, and such other matters as are
5 26 pertinent.

5 27 ~~After such vessels have been inspected as provided herein,~~
5 28 ~~a current inspection seal or tag shall be issued by the~~
5 29 ~~commission and shall be kept posted in a conspicuous place~~
5 30 ~~upon or in such vessel. Any inspection seal or tag shall be~~
5 31 ~~in effect only for the calendar year for which the inspection~~
5 32 ~~seal or tag is issued.~~

5 33 Private vessels may also be inspected to determine their
5 34 seaworthiness at any time by representatives of the commission
5 35 or by any peace officer who is trained in enforcing, and who
6 1 in the regular course of duty enforces, boating and navigation
6 2 laws.

6 3 Sec. 10. Section 462A.23, subsection 1, Code 2005, is
6 4 amended to read as follows:

6 5 1. Any officer appointed by the commission may, for cause,
6 6 temporarily suspend the registration certificate of any vessel
6 7 ~~and the license of a pilot or engineer,~~ that has been issued
6 8 under this chapter, and the commission, after a due hearing on
6 9 the matter at its next session, shall make final determination
6 10 in the matter.

6 11 Sec. 11. Section 462A.23, subsection 2, unnumbered
6 12 paragraph 1, Code 2005, is amended to read as follows:

6 13 The commission shall forthwith revoke the registration
6 14 certificate of any vessel and the ~~pilot's or engineer's~~
6 15 ~~license of the operator of such vessel~~ owner's or operator's
6 16 privilege to operate a vessel for hire or commercial vessel,
6 17 upon receiving a record of such owner or operator's conviction
6 18 of any of the following offenses, when such conviction has
6 19 become final:

6 20 Sec. 12. Section 462A.23, subsection 3, Code 2005, is
6 21 amended to read as follows:

6 22 3. The commission is hereby authorized to suspend the
6 23 registration certificate of any vessel and the ~~pilot's or~~
6 24 ~~engineer's license of an operator~~ owner's or operator's
6 25 privilege to operate a vessel for hire or commercial vessel

6 26 upon a showing by its records that the owner or operator:

6 27 a. Has committed an offense for which mandatory revocation
6 28 of the registration certificate or ~~pilot's or engineer's~~
6 29 ~~license of the privilege to operate a vessel for hire or~~
6 30 commercial vessel is required upon conviction.

6 31 b. Is a habitual reckless or negligent operator of a
6 32 vessel for hire or commercial vessel.

6 33 c. Is incompetent to operate a vessel for hire or
6 34 commercial vessel.

6 35 d. Has permitted an unlawful or fraudulent use of such
7 1 registration certificate ~~or pilot's or engineer's license.~~

7 2 Sec. 13. Section 462A.25, Code 2005, is amended by
7 3 striking the section and inserting in lieu thereof the
7 4 following:

7 5 462A.25 PENALTY.

7 6 If an owner or operator of a vessel for hire or commercial
7 7 vessel operated upon the waters of this state under the
7 8 jurisdiction of the commission permits such vessel to be
7 9 occupied by more passengers and crew than the registration
7 10 capacity allows or if a person continues to operate a vessel
7 11 for hire or commercial vessel after the person's privilege to
7 12 operate the vessel has been revoked, the person shall be
7 13 guilty of a serious misdemeanor. The provisions of this
7 14 section shall not apply to vessels registered or numbered by
7 15 authority of the United States.

7 16 Sec. 14. Section 462A.39, Code 2005, is amended to read as
7 17 follows:

7 18 462A.39 EXPIRATION DATE.

7 19 Each special certificate issued hereunder shall expire at
7 20 midnight on April 30 of ~~each odd-numbered~~ the last calendar
7 21 year of the registration period, and a new special certificate
7 22 for the ensuing ~~biennium~~ registration period may be obtained
7 23 upon application to the commission and payment of the fee
7 24 provided by law.

7 25 Sec. 15. Section 462A.52, Code 2005, is amended to read as
7 26 follows:

7 27 462A.52 FEES REMITTED TO COMMISSION.

7 28 1. Within ten days after the end of each month, a county
7 29 recorder shall remit to the commission all fees collected by
7 30 the recorder during the previous month. Before May 10 in odd=
7 31 numbered years of the registration period beginning May 1 of
7 32 that year, a county recorder shall remit to the commission all
7 33 unused license blanks for the previous ~~biennium~~ registration
7 34 period. All fees collected for the registration of vessels
7 35 shall be forwarded by the commission to the treasurer of the
8 1 state, who shall place the money in a ~~special conservation the~~
8 2 ~~state fish and game protection~~ fund. The money so collected
8 3 is appropriated to the commission solely for the
8 4 administration and enforcement of navigation laws and water
8 5 safety.

8 6 2. Notwithstanding subsection 1, any increase in revenues
8 7 received on or after July 1, 2007, but on or before June 30,
8 8 2013, pursuant to this section as a result of fee increases
8 9 pursuant to this Act, shall be used by the commission only for
8 10 the administration and enforcement of programs to control
8 11 aquatic invasive species and for the administration and
8 12 enforcement of navigation laws and water safety upon the
8 13 inland waters of this state and shall be used in addition to
8 14 funds already being expended by the commission each year for
8 15 these purposes. The commission shall not reduce the amount of
8 16 other funds being expended on an annual basis for these
8 17 purposes as of the effective date of this Act, during the
8 18 period of the appropriation provided for in this subsection.

8 19 3. The commission shall submit a written report to the
8 20 general assembly by December 31, 2007, and by December 31 of
8 21 each year thereafter through December 31, 2013, summarizing
8 22 the activities of the department in administering and
8 23 enforcing programs to control aquatic invasive species and
8 24 administering and enforcing navigation laws and water safety
8 25 upon the inland waters of the state. The report shall include
8 26 information concerning the amount of revenues collected
8 27 pursuant to this section as a result of fee increases pursuant
8 28 to this Act and how the revenues were expended. The report
8 29 shall also include information concerning the amount and
8 30 source of all other funds expended by the commission during
8 31 the year for the purposes of administering and enforcing
8 32 programs to control aquatic invasive species and administering
8 33 and enforcing navigation laws and water safety upon the inland
8 34 waters of the state and how the funds were expended.

8 35 Sec. 16. Section 462A.53, Code 2005, is amended to read as
9 1 follows:

9 2 462A.53 AMOUNT OF WRITING FEES.

9 3 A writing fee of one dollar and twenty=five cents for each
9 4 transaction shall be collected by the county recorder. If two
9 5 or more functions are transacted for the same vessel at one
9 6 time, the writing fee is limited to one dollar and twenty=
9 7 five cents.

9 8 Sec. 17. Section 462A.66, Code 2005, is amended to read as
9 9 follows:

9 10 462A.66 INSPECTION AUTHORITY.

9 11 An officer of the commission or any peace officer who is
9 12 trained in enforcing, and who in the regular course of duty
9 13 enforces, boating and navigation laws may stop and inspect a
9 14 vessel being launched, being operated, or being moored on the
9 15 waters of this state under the jurisdiction of the commission
9 16 to determine whether the vessel is properly registered,
9 17 numbered, and equipped as provided under this chapter and
9 18 rules of the commission. An officer may board a vessel in the
9 19 course of an inspection if the operator is unable to supply
9 20 visual evidence that the vessel is properly registered and
9 21 equipped as required by this chapter and rules of the
9 22 commission. The inspection shall not include an inspection of
9 23 an area that is not essential to determine compliance with the
9 24 provisions of this chapter and rules of the commission.

9 25 Sec. 18. Section 462A.77, subsection 1, Code 2005, is
9 26 amended to read as follows:

9 27 1. Except as provided in subsection 3, an owner of a
9 28 vessel seventeen feet or longer in length principally used on
9 29 the waters of the state and to be numbered pursuant to section
9 30 462A.4 shall apply to the county recorder of the county in
9 31 which the owner resides for a certificate of title for the
9 32 vessel. The requirement of a certificate of title does not
9 33 apply to canoes, kayaks, or inflatable vessels regardless of
9 34 length.

9 35 Sec. 19. Sections 462A.21 and 462A.22, Code 2005, are
10 1 repealed.

CHRISTOPHER C. RANTS
Speaker of the House

JOHN P. KIBBIE
President of the Senate

I hereby certify that this bill originated in the House and
is known as House File 828, Eighty-first General Assembly.

MARGARET THOMSON
Chief Clerk of the House

Approved _____, 2005

THOMAS J. VILSACK
Governor